

# COMMITTEE REPORT

---

### APPLICATION DETAILS

---

<b>APPLICATION NO:</b>	DM/18/01943/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Three storey extension to existing building and associated landscape works.
<b>NAME OF APPLICANT:</b>	Mr Ian Walton, New College Durham
<b>ADDRESS:</b>	New College Durham, New College Road, Framwellgate Moor, Durham, DH1 5ES
<b>ELECTORAL DIVISION:</b>	Framwellgate and Newton Hall
<b>CASE OFFICER:</b>	Paul Hopper (Senior Planning Officer) Tel: 03000 263 946 Paul.hopper@durham.gov.uk

---

### DESCRIPTION OF THE SITE AND PROPOSALS

---

#### The Site

1. The application site comprises part of an existing and well established college facility at New College Durham, Famwellgate Moor, Durham. The school offers a wide variety of educational courses and higher education qualifications ranging from construction and engineering workshops, health and beauty salons, sports and performing arts and general teaching and it is understood that the facility is used by both students and the local community.
2. The site is located to the north west of Durham City Centre and is bounded by the A167 and open space to the west and by housing to the north, south and east, the latter being separated from the existing buildings by several sports pitches.
3. In terms of existing buildings the site comprises a large main building of notable footprint which is set to the north of 2 smaller buildings of three storey height set parallel to the A167 to the west. In addition, the site also includes a large college car park between the main entrance to the south and the buildings to the north.
4. With regards to access the site is served by a vehicular access taken from Dryburn Road and it is also noted that a public right of way bisects the site north–south between the buildings and sports pitches.

#### The Proposal

5. Full planning permission is sought for the erection of a three storey extension to the existing college building at New College Durham with associated hard and soft landscaping.
6. The proposed extension would be positioned to the northern elevation of the existing technology building which is the largest and most northerly of the three existing buildings already present on site and would mirror the height, width and design of the existing block.

7. Overall the extension would be approximately 32.4 metres long by 46.8 metres wide with a maximum height of 10.5 metres. External surfaces would be finished in a mix of brick and grey and silver composite cladding and include roller shutter doors to the northern elevation and a pedestrian access to the western elevation.
  8. The extension would be used to improve and increase the range of educational facilities offered from the site and create approximately 3209sqm of workshop and teaching accommodation spread over 3 floors comprising a mix of carpentry and brick workshops to the ground floor, classrooms (including specialist IT classrooms) and 2 further workshops to the first floor and a conference room to the second floor.
  9. The proposal also includes the provision of soft and hard landscaping to the northern and western elevations comprising a hard paved area and path providing pedestrian access to an entrance at ground floor supplemented by an area of grassed to the western elevation, and hard standing external storage area for building materials to the northern elevation which would include areas for the storage of brick and timber.
  10. Hours of use would mirror the existing arrangement at the college and be 08:30 to 21:00 Monday to Friday, 08:30 to 13:00 Saturday with no opening Sundays, Bank or Public Holidays.
  11. The application is being reported to planning committee as it is major development as defined by the Council's Scheme of Delegation.
- 

## **PLANNING HISTORY**

---

12. There are no previous planning permissions relevant to this application.
- 

## **PLANNING POLICY**

---

### **NATIONAL POLICY**

13. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
14. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal;
15. *NPPF Part 8 Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted
16. *NPPF Part 9 Promoting Sustainable Transport:* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.

17. *NPPF Part 12 Achieving Well Designed Places*: The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
18. *NPPF Part 15 Conserving and Enhancing the Natural Environment*: Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

#### **LOCAL PLAN POLICY:**

#### **City of Durham Local Plan**

19. Policy E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
20. Policy E15 (Provision of New Trees and Hedgerows) states that the Council will encourage tree and hedgerow planting.
21. Policy H13 (Residential Areas – Impact upon Character and Amenity) states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
22. Policy R11 – Public Rights of Way and other Paths. Public access to the countryside will be safeguarded by protecting the existing network of PROW's and other paths from development which would result in their destruction.
23. Policy T1 (Traffic – General) states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
24. Policy T10 (Parking – General Provision) states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
25. Policy Q1: General Principles – Designing for People states that the layout and design of all new development should take into account the requirements of users. It will be expected to incorporate the following as appropriate personal safety and crime prevention, the access needs of people with disabilities, the elderly and those with children.
26. Policy Q2: General Principles – Designing for Accessibility states that the layout and design of all new development should take into account the requirements of users. It will be expected to embody the principle of sustainability and to incorporate the following as appropriate.
27. Policy Q3 (External Parking Areas) requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.

28. Policy Q5 (Landscaping General Provision) sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
29. Policy U8a (Disposal of Foul and Surface Water) requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
30. Policy U11 (Development on Contaminated Land) sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.

#### **EMERGING COUNTY DURHAM PLAN:**

##### The County Durham Plan

23. Paragraph 213 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.*

---

## **CONSULTATION AND PUBLICITY RESPONSES**

---

#### **STATUTORY RESPONSES:**

31. The Highway Authority has no objection to the application.
32. Northumbrian Water Limited has no objection to the application but notes the presence of NWL equipment within the application site.

#### **INTERNAL CONSULTEE RESPONSES:**

33. Environmental Health Section (Noise Action Team) has no objection to the application subject to the inclusion of planning conditions requiring the submission and agreement of a noise impact assessment, precise details of lighting and a construction management plan.
34. Landscape Section has no objection to the application but notes the requirement to provide a detailed landscaping scheme to include planting to the eastern and western boundaries.

## **PUBLIC RESPONSES:**

35. The application has been publicised by way of site notice, press notice and notification letters to neighbouring properties to which no representations have been received.

## **APPLICANTS STATEMENT:**

36. The proposals for the extension to the existing technology Block at New College Durham are to assist the college in delivering new STEM focussed subjects and courses. The scheme, following the completion of the advanced manufacturing centre in 2017 will allow the college to align modern, fit for purpose, specialist education programmes with the requirements of industry and business. Ensuring New College Durham students are given the best possible opportunities with tangible skills and knowledge to enter employment on completion of their studies. In addition to the significant education opportunities the proposals will help deliver, the construction of the STEM centre will allow the college to access other means of funding and industry sponsorship.
37. Architecturally, the proposed extension comprises a simple extrusion of the existing technology block, reflecting the same scale and mass, architectural style, and materials of the existing building.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>*

---

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

38. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development, design and visual impact, residential amenity, public rights of way and parking, access and highway safety and land contamination.

### Principle of Development

39. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The City of Durham Local Plan (CofDLP) remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 213 that weight to be afforded existing Local Plan policies depends upon their degree of consistency with the NPPF.
40. The City of Durham Local Plan (CofDLP) was adopted in 2004 and was intended to cover the period to 2006. The NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.

41. Whilst, policy C4 of the CofDLP provides a policy framework which supports new development by New College Durham on the Campus at Framwellgate Moor, this policy has expired and as such cannot be afforded weight in determination of this planning application.
42. Consequently, the application must be determined in accordance with Paragraph 11 of the NPPF which establishes a presumption in favour of sustainable development.
43. For decision taking this means;
  - approving development proposals that accord with an up to date development plan without delay; or
  - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless;
    - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
44. Having regard to the above, the Development Plan is considered to be silent and/or out of date with respect to this proposed development. As a result, the acceptability of the development rests on the planning balance of whether any adverse impact of approving the development would significantly and demonstrably outweigh the benefits, there being no NPPF policies at play which protect areas or assets of particular importance and which provide a clear reason for refusal.
45. Whilst the NPPF does not expressly advise on educational facilities, at Part 8 it nevertheless places emphasis in more general terms to plan positively for community facilities and education developments, particularly schools.
46. In this respect it is noted that educational use at the site is well established with the college being extensively redeveloped in 2005 and facility is used by the local community and in this context the importance of the continued success of the college both for the City and for the wider area is acknowledged.
47. The proposed extension would relate well to this existing use and is therefore considered acceptable in principle subject to proper consideration of the proposal upon design and visual impact, residential amenity, land contamination, public rights of way and parking access and highway safety.

#### Design and Visual Impact

48. Policy H13 relates to CofDLP states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them. In addition, policies Q1, Q2 and Q3 relate to general principles of design in terms of people and accessibility and policy Q5 provides guidance with particular regard to landscaping, requiring all new development that would have an impact on the visual amenity of the area in which it is located, will be required to incorporate a high standard of landscaping in its overall design and layout.

49. The stated policies are considered to display a broad level of accord with the aims of the NPPF at paragraph 124 which states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
50. The development proposes an extension to the northern elevation of the existing technology building which itself occupies a position to the northern part of the site and would appear as a simple extrusion of the existing architecture, expressed principally as a two storey extension with an inset second floor. In this respect the scale of the extension is considered to match that of the existing building being of similar width and height and utilising the same façade with matching materials and roof light design. However, it is noted that precise detail with regard to the submission and agreement of sample materials could be secured through planning condition to which the applicant has agreed.
51. Hard and soft landscaping is proposed to the western elevation which would comprise block paving and a grassed area respectively. The former would provide pedestrian access to a main entrance at ground floor and the latter compliment areas of existing soft landscaping which frame the current building.
52. A larger area of hardstanding would be positioned to the northern elevation and this would provide a service and storage area for deliveries and would replace an existing service area that would be lost to the extension. Whilst this area would be of functional appearance and enclosed by a 1.8 metre high security fence, material would be stored within designated areas to limited heights, and be screened in the wider views by supplementary planting, the submission and agreement of which could be secured through a planning condition to which the applicant has agreed. The Council's Landscape Section does not raise any objection to the application but notes the importance of ensuring that appropriate landscape is provided.
53. Subject to the inclusion of planning conditions limiting the height of any material stored externally and the submission and agreement of precise landscape detail, implementation and details of the proposed means of enclosure, the development is considered to accord with the requirements of policies H13, Q1, Q2, Q3 and Q5 of the CofDLP and paragraph 124 of the NPPF in that it would not have any unacceptable adverse impact upon the character and appearance of the surrounding locality.

#### Impact upon Residential Amenity

54. The site is situated to the west of Pity Me and as such the nearest residential properties are those approximately 100 metres to the north and west at Bridgemere Drive and Alexandra Close respectively.
55. Policy H13 of the CofDLP states that planning permission will not be granted for new development which have a significant adverse affect on the character or appearance of residential areas or the amenities of residents within them. This is considered to display a broad level of accord with the aims of the NPPF at paragraph 180 which states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

56. The site is currently used for education purposes and the proposed use would extend this. Whilst any increase in noise and disturbance would generally be heard in this context any plant or machinery located to the north or east of the building may cause noise disturbance to residential occupiers, particularly those identified at Bridgemere Drive and Alexandra Close. Similarly, any additional external lighting may also be visible and capable of disturbance as a result. Notwithstanding this the Council's Environmental Health Section offers no objection to the application subject to planning conditions requiring the submission and agreement of a noise impact assessment prior to the operation of any plant, details of external lighting and a construction management plan prior to the commencement of development to which the applicant has agreed.
57. Whilst the proposed extension would be visible in views from those residential properties identified the separation distances are nevertheless considered sufficient to ensure that the development would not have any unacceptable or adverse impact upon the residential amenity of existing occupiers. In this regard, and subject to the inclusion of the conditions identified the development is considered to accord with the requirements of policy H13 of the CofDLP and the aims of paragraph 180 of the NPPF.

#### Parking, Access, Highway Safety and Public Rights of Way

58. Existing access arrangements would remain unaltered by the proposal and the site would continue to be served by the main vehicular access from Dryburn Road to the south. However, it is noted that the reconfiguration of the existing service area is required and that this would result in the loss of 21 No. parking spaces. In addition, it is also noted that Public Right of Way No. 4 lies approximately 17 metres to the east of the extension beyond an internal access road.
59. Policies T1 and R11 relate to access, parking and public rights of way respectively with the policy T1 and T10 stating that the Council will not grant planning permission for the development that would generate traffic which would be detrimental to highway safety and/or have a significant affect on the amenity of occupiers of neighbouring property. With regard to public rights of way policy R11 seeks to safeguard and protect the existing network of public rights of way and other paths from development which would result in their destruction unless a suitable alternative route is provided. This is considered to display a broad level of accord with the aims of paragraph 108 of the NPPF.
60. Whilst in the first instance the loss of 21 existing car parking spaces from the site appears notable, the overall provision within the site is currently 917 spaces and as such the reduction in provision to 896 will not significantly reduce capacity and is unlikely to impact the highway network as a result, and may in fact encourage some trip displacement to more sustainable modes of travel. In this context the Highway Authority has no objection to the application.
61. With regard to the public right of way the extension would be sufficient distance from its route to ensure that there would not be any unacceptable adverse impact although the inclusion of a planning informative is advised reminding the applicant that during the construction phase this route be kept free from obstruction.
62. Subject to the inclusion of an informative as described the proposal would not result in any adverse impact in terms of highway safety or the adjacent public right of way and as such the proposal would accord with the aims of policies T1, T10 and R11 of the CofDLP and paragraph 108 of the NPPF.



## Land Contamination and Drainage

63. Paragraph 178 of the NPPF requires that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposal for mitigation including land remediation or impacts on the natural environment arising from that remediation.
64. As the proposal represents a change of use to a more sensitive receptor the Council's Environmental Health Section offers no objection subject to the inclusion of a planning condition requiring the submission and agreement of a contaminated land assessment to include intrusive site investigations, remediation and verification where need is identified. Subject to the inclusion of a planning condition in this regard the proposal is considered to accord with the requirements of paragraph 178 of the NPPF.

## Drainage

65. Policy U8A of the CofDLP states that development proposals will only be approved if they include satisfactory arrangement for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
66. The development proposes disposal of foul and surface water to existing mains sewer to which NWL raises no objection. However, it is noted that NWL plant and apparatus does cross the application site, but that NWL will contact the applicant direct in this regard. Therefore, subject to the inclusion of a condition which requires the submission and agreement of precise means of foul and surface water disposal prior to the commencement development.

## Planning Balance

67. As the relevant policies of the EDLP are considered to be out of date, the presumption in favour of sustainable development as contained in paragraph 11 of the NPPF is engaged and in this regard a summary of the benefits and adverse impacts of the proposal are considered below;

### *Benefits*

68. The proposal would improve and expand the range of educational services offered from the site and to the local community at a site which is well established for educational use, helping to secure its long term future.

### *Adverse Impacts*

69. Whilst the extension would be visible in the wider landscape, subject to the inclusion of planning conditions relating to the submission, agreement and implementation of a landscaping scheme proposal would not have any adverse impact in this regard capable of outweighing the benefits in the context of paragraph 11 of the NPPF.

---

## CONCLUSION

---

70. As the CofDLP is silent in relation to the development the presumption in favour of sustainable development is engaged. The development is therefore required to be considered in the context of paragraph 11 of the NPPF, which states that the development be granted planning permission, the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
71. In this regard the extension would improve and expand the range of education facilities currently offered from the site and in this regard the proposal is considered to accord with part 8 of the NPPF which places emphasis in more general terms to plan positively for community facilities and education developments, particularly schools.
72. The extension reflects a high standard of design and mirrors the host building in terms of scale, design and external materials and in this regard and would not appear as an incongruent addition. Whilst the mass of the existing building would increase this would not be to an extent that it would appear overly dominant or adverse impact upon residential amenity, parking, access and highway safety, public rights of way, land contamination or drainage.
73. Therefore when considered in the context of paragraph 11 of the NPPF the proposal would accord with aims of policies H13, Q1, Q2, Q3, Q5, T1, T10 and R11 of the City of Durham Local Plan and Parts 8, 9, 12 and 15 of the NPPF and would not have any adverse impacts which would significantly or demonstrably outweigh the benefits.

---

## RECOMMENDATION

---

That the application be APPROVED subject to the following conditions;

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

Drawing No.	Description	Date Received
DR-A-0001-S2-P1	Location Plan	27 June 2018
DR-A-1002-S2-P1	Proposed Site Plan	27 June 2018
DR-A-3001-S2-P4	General Arrangement Ground Floor Plan	27 June 2018
DR-A-3002-S2-P4	General Arrangement First Floor Plan	27 June 2018
DR-A-3005-S2-P1	Proposed Roof Plan	27 June 2018
DR-A-3108-S2-P1	Proposed Site Plan Detail 1	27 June 2018
DR-A-3109-S2-P1	Proposed Site Plan Detail 2	27 June 2018

DR-A-3601-S2-P4	Proposed Arrangement	General	27 June 2018
DR-A-3601-S2-P4	Proposed Arrangement Elevations	General	27 June 2018
DR-A-3801-S2-P1	Typical Sections		27 June 2018

2. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials and details of garage doors have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

*Reason: To protect the character and appearance of the surrounding area in accordance with the requirements of Policy H13 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007. This is required as a pre commencement condition in order to mitigate potential impact upon the character and appearance of the surrounding area which needs to be considered before site works commence.*

3. No development shall commence until details of all means of enclosure have been submitted to and agreed in writing by the local planning authority. The development shall thereafter be carried out in accordance with the agreed details.

*Reason: In the interest of visual amenity in accordance with the requirements of policies H13 of the City of Durham Local Plan. This is required as a pre commencement condition in order to mitigate potential impact upon the character and appearance of the surrounding area which needs to be considered before site works commence.*

4. Material stored externally within the service area identified on Drawing No. shall not exceed 3 metres in height.

*Reason: To protect the character and appearance of the surrounding area in accordance with the aims of policy H13 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007.*

5. No plant shall be operated until a detailed noise impact assessment and scheme of sound attenuation has been submitted to and approved in writing by the local planning authority. The scheme of attenuation measures shall ensure that the rating level of noise emitted from plant on the site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014. The development shall be carried out in accordance with the approved scheme of attenuation measures and on written request by the planning authority the operator shall, within 28 days, produce a report to demonstrate adherence with the above rating level.

*Reason: In the interests of residential amenity in accordance with requirements of policy H13 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.*

6. No development shall commence until details of all the external lighting has been submitted to and approved in writing by the local planning authority prior. The detail provided must be sufficient to demonstrate adherence to the ILP guidance notes for the reduction of intrusive light. The external lighting approved shall be maintained in accordance with the approved details to minimise light spillage and glare outside the designated area.

*Reason: In the interests of residential amenity in accordance with requirements of policy H13 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.*

7. No development shall commence until such time as a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning. Thereafter the development shall take place in accordance with the approved details.

*Reason: In the interest of the adequate disposal of foul and surface water in accordance Part 14 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact upon flood risk in the surrounding area which needs to be considered before site works commence.*

8. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The development shall thereafter be carried out in accordance with the approved details.

*Reason: To protect existing trees and the character and appearance of the surrounding area in accordance with the aims of policies H13 and Q5 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007. This is required as a pre commencement condition in order to mitigate potential impact upon the character and appearance of the surrounding area which needs to be considered before site works commence.*

9. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

*Reason: To protect existing trees and the character and appearance of the surrounding area in accordance with the aims of policies H13 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007.*

10. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority.

The agreed plan shall include as a minimum (but not necessarily be restricted to) the following:

- An assessment of the potential for dust emissions from the site and the mitigation measures that will be used to minimise any emission taking into account relevant guidance such as the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014.
- An assessment of the likely noise (including vibration) emissions from the site and the mitigation measures that will be taken to minimise noise disturbance taking into account relevant guidance such as BS5228 ‘Code of practice for noise and vibration control on construction sites’ 2014.
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- Details of the operating hours during which construction/demolition works are to be undertaken. Durham County Council’s accepted hours for construction/demolition activities that generate noise are 8am – 6pm Monday – Friday, 8am – 1pm Saturday and no noisy working on a Sunday or Bank Holiday.
- Detail of any planned measures for liaison with the local community and any procedures to deal with any complaints received.
- Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.

The management plan shall have regard to BS 5228 “Noise and Vibration Control on Construction and Open Sites” during the planning and implementation of site activities and operations. The approved Construction Management Plan(s) shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

*Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 15 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.*

11. The development shall not commence until a scheme to deal with contamination for that phase has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:

### **Pre-Commencement**

- (a) A Phase 1 Preliminary Risk Assessment (Desk Top Study) is required to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.
- (b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.

- (c) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

## **Completion**

- (d) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.
- (e) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

*Reason: The site may be contaminated as a result of past or current uses and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 15. This is required as a pre commencement condition in order to mitigate potential impact from previous contamination of the surrounding area which needs to be considered before site works commence.*

12. No construction/demolition activities, including the use of plant, equipment and deliveries, which are likely to give rise to disturbance to local residents should take place before 0800 hours and continue after 1800 hours Monday to Friday, or commence before 0800 hours and continue after 1300 hours on Saturday. No works should be carried out on a Sunday or Bank Holiday.

*Reason: In the interests of residential amenity in accordance with requirements of policy Q8 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007.*

---

## **STATEMENT OF PROACTIVE ENGAGEMENT**

---

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

---

## **BACKGROUND PAPERS**

---

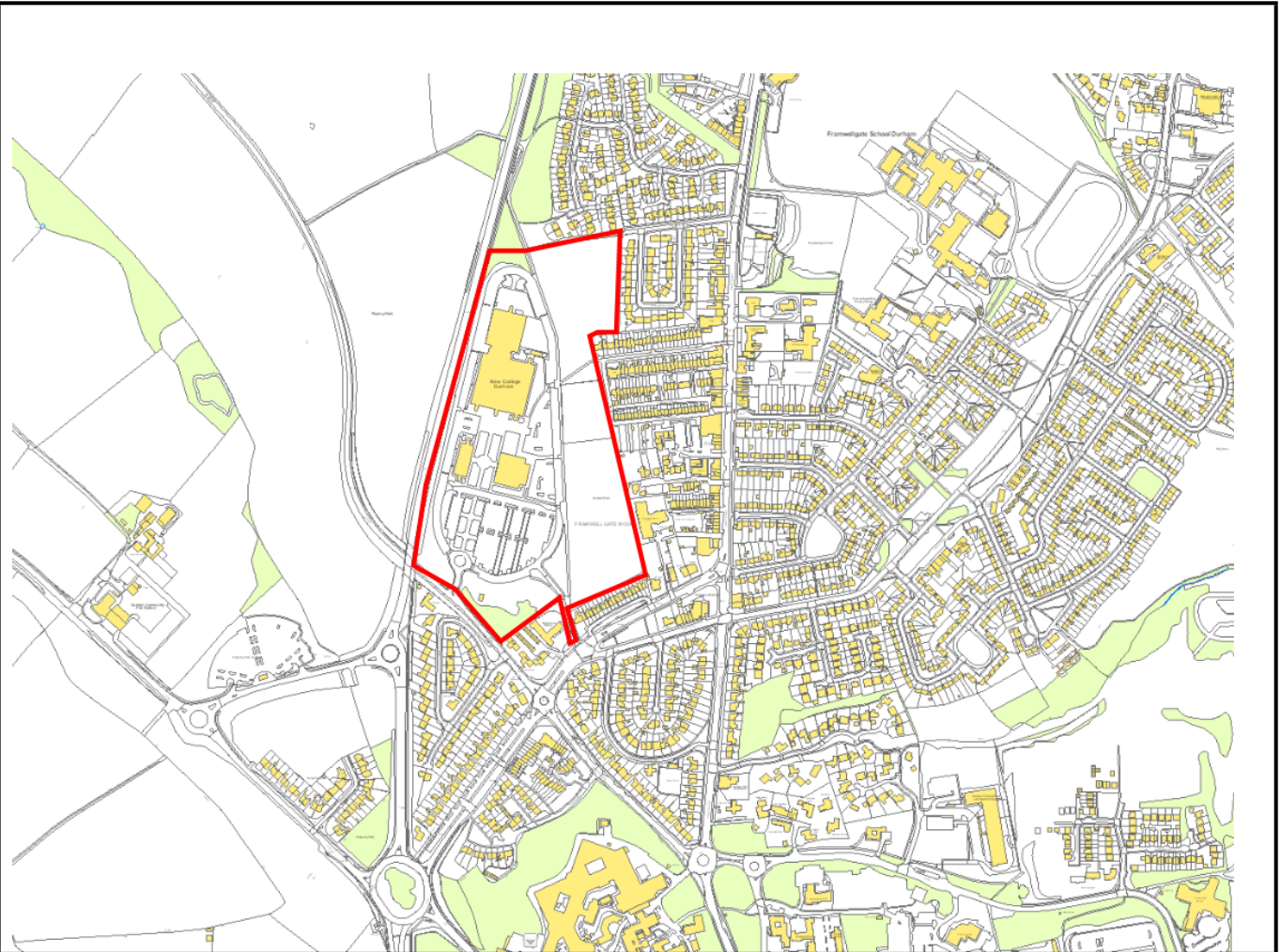
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

City of Durham Local Plan 2007

Statutory, internal and public consultation responses



**Planning Services**

Three storey extension to existing building and associated landscape works.

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.  
 Durham County Council Licence No. 100022202 2005

**Comments**

**Date** 9 October 2018